

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RANDY TEJADA,

Plaintiff,

v.

S. CALDERON, et al.,

Defendant(s).

Case No. 1:21-cv-01112-JLT-EPG (PC)

ORDER REQUIRING PARTIES TO
EXCHANGE DOCUMENTS

Randy Tejada (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On January 24, 2022, the Court issued an order requiring the parties to file scheduling and discovery statements. (ECF No. 22.) The parties have now filed their statements. (ECF Nos. 24, 25.)

The Court has reviewed this case and the parties’ statements. In an effort to secure the just, speedy, and inexpensive disposition of this action,¹ the Court will direct that certain documents that are central to the dispute be promptly produced.²

¹ See, e.g., *United States v. W.R. Grace*, 526 F.3d 499, 508-09 (9th Cir. 2008) (“We begin with the principle that the district court is charged with effectuating the speedy and orderly administration of justice. There is universal acceptance in the federal courts that, in carrying out this mandate, a district court has the authority to enter pretrial case management and discovery orders designed to ensure that the relevant issues to be tried are identified, that the parties have an opportunity to engage in appropriate discovery and that the parties are adequately and timely prepared so that the trial can proceed efficiently and intelligibly.”).

² Advisory Committee Notes to 1993 Amendment to Federal Rules of Civil Procedure regarding Rule 26(a) (“The enumeration in Rule 26(a) of items to be disclosed does not prevent a court from requiring by order or local rule that the parties disclose additional information without a discovery request.”).

1 Accordingly, IT IS ORDERED that:

- 2 1. Each party has sixty days from the date of service of this order to serve opposing
3 parties, or their counsel, if represented, with copies of the following documents
4 and/or evidence that they have in their possession, custody, or control, to the
5 extent the parties have not already done so:³
- 6 a. Plaintiff's grievance log no. KVSP-0-20-01100 and any other documents
7 regarding exhaustion of Plaintiff's claims, including 602s, Form 22s, and
8 responses from the appeals office.
 - 9 b. RVR log no. 6972413 and any other documents regarding the Rules
10 Violation Report associated with the incident(s) alleged in the complaint,
11 including disciplinary charges and findings.
 - 12 c. Witness statements and evidence that were generated from
13 investigation(s) related to the event(s) at issue in the complaint,
14 including the investigation into Defendant's use of force and the
15 investigation stemming from the processing of Plaintiff's grievance(s).⁴
 - 16 d. KVSP Incident Report log no. 3075 and any other incident reports
17 regarding the use of force incident(s) alleged in the complaint.
 - 18 e. All of Plaintiff's medical records related to the incident and/or condition
19 at issue in the case.
 - 20 f. Video recordings and photographs related to the incident(s) at issue in
21 the complaint, including video recordings and photographs of Plaintiff

22
23 ³ Defense counsel is requested to obtain these documents from Plaintiff's institution(s) of confinement. If
24 defense counsel is unable to do so, defense counsel should inform Plaintiff that a third party subpoena is required.

25 ⁴ See *Woodford v. Ngo*, 548 U.S. 81, 94-95 (2006) ("[P]roper exhaustion improves the quality of those
26 prisoner suits that are eventually filed because proper exhaustion often results in the creation of an administrative
27 record that is helpful to the court. When a grievance is filed shortly after the event giving rise to the grievance,
28 witnesses can be identified and questioned while memories are still fresh, and evidence can be gathered and
preserved.").

The Court notes that Defendants only need to produce documents such as a Confidential Appeal Inquiry
or a Use of Force Critique to the extent those documents contain witness statements related to the incident(s)
alleged in the complaint and/or evidence related to the incident(s) alleged in the complaint that will not be
provided to Plaintiff separately.

1 taken following the incident(s), as part of the investigation into
2 Defendant's use of force, and in relation to Plaintiff's grievance(s).⁵

3 g. Applicable policies and procedures, if any, governing the institution's
4 use of 40mm block guns or lethal force at KVSP.

- 5 2. If any party obtains documents and/or other evidence described above later in
6 the case from a third party, that party shall provide all other parties with copies
7 of the documents and/or evidence within thirty days.
- 8 3. Parties do not need to produce documents or evidence that they have already
9 produced.
- 10 4. Parties do not need to produce documents or evidence that were provided to
11 them by the opposing party.
- 12 5. Parties may object to producing any of the above-listed documents and/or
13 evidence. Objections shall be filed with the Court and served on all other parties
14 within sixty days from the date of service of this order (or within thirty days of
15 receiving additional documents and/or evidence). The objection should include
16 the basis for not providing the documents and/or evidence. If Defendant(s)
17 object based on the official information privilege, Defendant(s) shall follow the
18 procedures described in the Court's scheduling order. If a party files an
19 objection, all other parties have fourteen days from the date the objection is filed
20 to file a response. If any party files a response to an objection, the Court will
21 issue a ruling on the objection.

22
23 IT IS SO ORDERED.

24 Dated: March 3, 2022

25 /s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE

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27
28 ⁵ If Plaintiff is not allowed possess, or is unable to play, video recording(s), defense counsel shall work with staff at Plaintiff's institution of confinement to ensure that Plaintiff is able to view the video recording(s).